

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of ) File No.: EB-FIELDWR-17-00024475  
)  
The Association for Community Education, Inc. )  
Riverside, California )  
)

**NOTICE OF VIOLATION**

**Released: December 15, 2017**

By the Regional Director, Region Three, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the rules of the Federal Communications Commission<sup>1</sup> (FCC or Commission) to The Association for Community Education, Inc. (Community Education), licensee of Broadcast Station K295AI. Pursuant to Section 1.89(a) of the Commission's rules, issuance of this Notice does not preclude the Commission's Enforcement Bureau (Bureau) from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violation noted herein.<sup>2</sup>

2. On October 5, 2017, in response to an interference complaint, an Agent of the Bureau's Los Angeles Office investigated the radio broadcast signals transmitted by Community Education on 106.9 MHz near Riverside, California, and observed the following violation of the Commission's rules:

- a. 47 C.F.R. § 74.1283(c) states, in pertinent part: "A translator station authorized under this subpart shall be identified by one of the following methods. (1) By arranging for the primary station whose station is being rebroadcast to identify the translator station by call sign and location. Three such identifications shall be made during each day: once between 7 a.m. and 9 a.m., once between 12:55 p.m. and 1:05 p.m. and once between 4 p.m. and 6 p.m. Between 12:40 p.m. and 1:15 p.m. on October 5, 2017, Community Education did not transmit the call sign of this translator.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Community Education, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s)

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

<sup>3</sup> 47 U.S.C. § 403.

taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Community Education to support its response with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Community Education with personal knowledge of the representations provided in Community Education's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above and mailed to the following address:

Federal Communications Commission  
Los Angeles Office  
18000 Studebaker Road, Suite 660  
Cerritos, CA 90703

6. This Notice shall be sent to Community Education at its address of record and to John Neely, Esquire, 3750 University Blvd. West, Suite 203, Kensington, MD 20895.

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<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

7. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Lark Hadley  
Regional Director  
Region Three  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).